

PTO/SB/26 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Docket Number (Optional) 514162000120
<p>In re Application of: Che-Kun James SHEN</p> <p>Application No.: 10/014,220</p> <p>Filed: November 9, 2001</p> <p>For: HS-40 ENHANCER-CONTAINING VECTOR IN TRANSGENIC ANIMALS</p> <p>The owner*, <u>Academia Sinica</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. <u>6,803,845</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer." In the event that said prior patent later:</p> <p>expires for failure to pay a maintenance fee;</p> <p>is held unenforceable;</p> <p>is found invalid by a court of competent jurisdiction;</p> <p>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</p> <p>has all claims canceled by a reexamination certificate;</p> <p>is reissued; or</p> <p>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>54,410</u></p> <p><u>Julia R. Rosenthal</u> Signature</p> <p><u>January 19, 2005</u> Date</p> <p><u>Julia R. Rosenthal</u> Typed or printed name</p> <p><u>(415) 268-7305</u> Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p>		

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PTO/SB/17 (12-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/02/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

Complete If Known	
Application Number	10/014,220
Filing Date	November 9, 2001
First Named Inventor	Che-Kun James SHEN
Examiner Name	S. Kaushal
Art Unit	1636
Attorney Docket No.	514162000120

METHOD OF PAYMENT (Check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

FEES CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100

Multiple dependent claims 360 180

Total Claims	Extra Claims	Fee (\$)	Multiple Dependent Claims	
			Fee (\$)	Fee Paid (\$)
14	-20 = 0	x 25 = 0.00		
			180	0.00

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
1	-3 = 0	x 100 = 0.00	

3. APPLICATION SIZE FEE	Fee (\$)	Fee Paid (\$)
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(g).		
Total Sheets Extra Sheets Number of each additional 50 or fraction thereof (round up to a whole number) x Fees Paid (\$)		

4. OTHER FEE(S)	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other: 2814 Statutory Disclaimer	65.00

SUBMITTED BY		Registration No. Attorney/Agent	Telephone
Signature	<i>Julia R. Rosenthal</i>	54,4101	(415) 268-7305
Name (Print/Type)	Julia R. Rosenthal	Date	January 19, 2005